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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,859	09/04/2003	Guy Bevente	1033-IT1004	4643
34456	7590	09/06/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,859

Applicant(s)

BEVENTE ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 10-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedes (US 5,771,282).

As per claims 1, 17 and 33, Friedes discloses a method of providing a bill to a telecommunications subscriber, the method comprising: distributing a bill including shared account information to the telecommunications subscriber (billing of multiple services on a single account), the shared account information identifying shared telecommunication units used in connection with a first subscriber service (wireline or long distance service, fig. 1, 12, 14, 16, 18) and a second subscriber service (wireless service, fig. 1, 20), the first subscriber service being distinct from the second subscriber service (wireline or long distance service is different from wireless service).

As per claims 2 and 18, Friedes discloses a method wherein the shared telecommunication units are shared telecommunication minutes (see fig. 1).

As per claims 3 and 19, Friedes discloses a method wherein the first subscriber service is a land-line telecommunications service (wireline or long distance service, fig. 1, 12, 14, 16, 18) and the second subscriber service is a mobile telecommunications service (wireless service, fig. 1, 20).

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As per claims 4, 5, 20 and 21, Friedes discloses a method wherein the land-line telecommunications service comprises a long distance telephony service and wherein the land-line telecommunications service comprises a local telephony service (see fig. 1).

As per claim 6, Friedes discloses a method wherein the bill further comprises charges for usage in excess of available shared telecommunication units identified by the shared account information (col. 4 to col. 5, line 49 to line 14).

As per claims 7, 22 and 23, Friedes discloses a method further comprising: receiving first subscriber service usage (wireline or long distance service, fig. 1, 12, 14, 16, 18); receiving second subscriber service usage (wireless service, fig. 1, 20); and determining whether the sum of the first subscriber usage and the second subscriber usage exceeds the shared telecommunication units (col. 4, lines 49-57).

As per claims 10 and 24, Friedes discloses a method wherein the shared account information further identifies a second set of telecommunication units (fig. 1, 12-20).

As per claims 11 and 25, Friedes inherently discloses a method wherein the second set of telecommunication units is applied to usage of the second subscriber service when the combined usage of the first subscriber service and the second subscriber service exceeds the shared telecommunication units (see fig. 1).

As per claim 12, Friedes discloses a method wherein the bill further includes charges for local calling service (col. 2, lines 36-38, fig. 1).

As per claim 13, it is inherent that the billing system of Friedes will include taxes as claimed.

As per claim 14 and 15, the billing system of Friedes would include charges associated with Internet service and wherein said Internet service comprises broadband service if a customer subscribes to these services.

As per claim 16, Friedes discloses a method wherein the first subscriber service is associated with a first operating entity and the second subscriber service is associated with a second operating entity (see abstract).

As per claims 26-28, Friedes inherently discloses a telecommunications subscriber package wherein the second allocation of second subscriber account units is available during specific time periods; wherein the allocation of shared account units is available for a period of time; wherein the period of time is one month (all subscriptions are usually on a monthly billing cycle).

As per claims 29-32, the system of Friedes inherently discloses a telecommunications subscriber package wherein the availability of the allocation of shared account units is conditional upon payment of a fee; wherein an additional allocation of shared account units is provided; wherein the additional allocation of shared account units is provided upon payment of a fee; wherein an additional allocation of shared account units is provided monthly and wherein the subscriber package has a monthly subscription fee (there is always been a service fee involved in subscription package).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedes (US 5,771,282) in view of Jagadish et al (US 5,844,972).

As per claims 8 and 9, Friedes does not disclose shared telecommunication units are used in connection with a third subscriber service and said third subscriber service is a calling card service but Jagadish discloses a method and system in which a calling card or a telephone prepaid card is used to make calls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the calling plans subscription as taught by Jagadish into the system of Friedes because it would provide a system in which calls made by a customer using a calling card or a prepaid telephone card are billed in accordance with the customer's subscribed calling plans.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Pericas et al (US 2004/0224661 A1) disclose an integrated wireless and wireline billing services management.
- Alloune et al (US 6,615,034 B1) disclose a communication billing system.
- Alloune et al (US 2003/0212634 A1) disclose a communication billing system.

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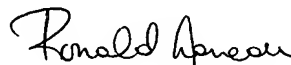
- Mirza et al (US 5,991,616) disclose a method for integrated billing in an integrated wireline-wireless system.

****** Applicant is requested to review both Pericas and Alloune references because they can be used to reject all claims under 35 USC 102 (e).***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald Laneau
Examiner
Art Unit 3627

8/31/05